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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROY D.C. SMITH,

Plaintiff,

v.

KIM BRADSHAW, et al.,

Defendants.

3:09-CV-0371-ECR (VPC)

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE**

This report and recommendation is made to the Honorable Edward C. Reed, Jr., United States District Judge. The action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On July 10, 2009, plaintiff submitted an application to proceed *in forma pauperis* (#1). On November 9, 2009, the court found that it did not have sufficient information to rule on the application (#2). The court ordered plaintiff to file an affidavit by November 30, 2009, providing certain additional financial information. *Id.* Plaintiff failed to respond to this court's order.

Based upon the foregoing, the undersigned magistrate judge recommends that this action be dismissed without prejudice.

The parties should be aware of the following:

1. They may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, specific written objections to this Report and Recommendation within fourteen (14) days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the District Court.

1 2. This Report and Recommendation is not an appealable order, and any notice of appeal
2 pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's
3 judgment.

4 **RECOMMENDATION**

5 For the reason stated above, the undersigned magistrate judge recommends that the District
6 Court enter an order **DISMISSING** this action without prejudice.

7 DATED: December 14, 2009.

8 *Valerie P. Poole*
9 _____
10 UNITED STATES MAGISTRATE JUDGE
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